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Remarks

Reconsideration of the above-captioned application is respectfully requested. All pending Claims (1-13) have been rejected under 35 U.S.C. §103 as being unpatentable over Williams et al., USPN 5,977,964 (hereinafter "Williams") in view of Matthews, III et al., USPN 5,914,746 (hereinafter "Matthews").

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the Examiner's rejections, Claims 1, 2, and 5 have been amended to recite that the virtual channel (or Web page it represents) is established based on user demographic data that is input by the user as disclosed on page 12, lines 8-20. Claims 2 and 5 further require that the demographic information is in response to queries, and Claim 2 also requires using user-input personal preferences to establish a virtual channel. Claims 1-8 remain pending.

Rejections Under 35 U.S.C. §103

Claims 1-13 have been rejected under 35 U.S.C. §103 as being unpatentable over Williams in view of Matthews. The demographic data alleged in the office action to be taught in Williams is not input by the user but rather is algorithmically determined by the controller 104, see, e.g., col. 5, lines 20-25, col. 6, lines 40-44 (system determines user's age), and col. 8, lines 25-30. The only time Williams appears to suggest direct user input is at col. 11, lines 60-68, but here the only thing that the user can directly select are the titles of broadcast TV shows. Accordingly, Williams relies on algorithmically-determined demographic information, which is inherently less precise than user-input demographic data, in order to remain unobtrusive

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to the user. Consequently, modifying Williams to accept direct input user demographic information would frustrate this purpose of Williams and, hence, would be improper, see MPEP §2143.01 (citing In re Gordon).

Additionally, while Williams discloses that Web content can be displayed, it appears to be in the context of a window overlaid on a TV show or in the context of conventional Web surfing, but not in context of having its own virtual channel number assigned to it in contrast to Claims 1 and 2. That is, Williams is not an ITV in the sense that it does not have both TV channels and virtual, web page-centric channels.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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